

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

QBEX COMPUTADORAS S.A.,
Plaintiff,
v.
INTEL CORPORATION,
Defendant.

Case No.17-cv-03375-LHK (SVK)

**ORDER REGARDING APRIL 4, 2018
JOINT DISCOVERY LETTER**

Re: Dkt. No. 64

Before the Court is a discovery dispute relating to responses to interrogatories. ECF 64. In this matter, Plaintiff Qbex Computadores, S.A. (“Qbex”) alleges that Intel Corporation (“Intel”) provided defective microprocessors that were incorporated into smartphones sold by Qbex in Brazil. Intel served interrogatories and Qbex responded on December 19, 2017. Intel now moves to compel further responses from Qbex to Interrogatory Nos. 2, 6, 8, and 9. The Court held a hearing on April 19, 2018. Based upon the parties’ submissions and oral arguments, the Court orders as follows.

Interrogatory No. 2: As discussed at the hearing, the Court agrees that Qbex’s responses are mostly sufficient given the early stage of the case and discovery. However, Qbex is to supplement its responses with facts to support its allegations that representations made by Intel were false, including facts regarding 1) the team responsible for the production of the Intel Smartphones; 2) questions raised by the team about the design of the SoFia microprocessors; and 3) the response of Intel executives to these issues. Qbex is also to supplement its response by providing facts regarding the technical reports it alleges that Intel had which showed the defect of the microprocessors. *See* ECF 64-1 at 19 (Qbex’s response to Interrogatory No. 2).

Interrogatory No. 6: Qbex is to provide additional facts in support of its allegation that Intel breached a contract “by supplying defective units,” including describing what units where

1 supplied to whom, a time frame within which those units were provided, and how those units
2 reached Qbex. Additionally, Qbex is to provide additional facts in support of its allegation that
3 Intel failed “to provide the promised technical support,” by identifying Qbex requests to Intel for
4 technical support and/or Intel failures to provide technical support as well as a general time frame
5 within which this alleged breach occurred.

6 **Interrogatory No. 8:** The Court denies Intel’s motion to compel supplemental responses
7 to Interrogatory No. 8 at this time for reasons explained at the hearing.

8 **Interrogatory No. 9:** Qbex is to provide additional facts in support of its allegation that it
9 “undertook efforts to work with Intel,” describing Qbex’s specific efforts and providing a time
10 frame for such efforts. Qbex is also to describe its efforts to replace defective phones, as alleged
11 in the Amended Complaint. ECF 48 at ¶ 98.

12 For all of the foregoing supplementations, Qbex may supplement its responses with
13 reference to specific documents in accordance with Fed. R. Civ. P. 33(d). Qbex shall supplement
14 its responses to Interrogatory Nos. 2, 6, and 9 as described above by **May 3, 2018**.

15 **SO ORDERED.**

16 Dated: April 19, 2018

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19 SUSAN VAN KEULEN
20 United States Magistrate Judge
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